

REMARKS

Applicant requests reconsideration of the present application. Claims 1-27 are pending. Of those, claims 8 and 21 have been amended, and claims 1 and 21 are independent claims.

ALLOWABLE SUBJECT MATTER

Applicant acknowledges and thanks the Examiner for the indication of the allowable subject matter set forth in claims 5, 7, 8, 10, 11, 13, 14, 16, 17, 20 and 25-27.

CLAIM OBJECTIONS

The Examiner objects to claims 21-27 due to a minor typographical error. Applicant has amended claim 21, taking into account the suggestions and comments made by the Examiner. Moreover, Applicant submits that the amendment to claim 21 has been made for no other reason than to correct the typographical error. Applicant requests withdrawal of the above rejection.

The Examiner further objects to claim 24 as being a substantial duplicate of claim 23 under 37 C.F.R. 1.75. Applicant respectfully traverses this objection.

As shown from review of claims 23 and 24, **claim 23 depends from base claim 21** reciting "wherein at least two brackets for detector modules are

mounted on the frame to form a channel for insertion of the pressure-contact apparatus."

On the other hand, **claim 24 depends from claim 22, which further depends from claim 21**, and recites "wherein at least two brackets for detector modules are mounted on the frame to form a channel for insertion of the pressure-contact apparatus."

Because claim 23 depends directly from claim 21, and because claim 24 depends from intervening claim 22, claims 23 and 24 are **not** substantial duplicates of one another. Thus, withdrawal of this objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

The Examiner rejects claim 8 because "the flexible tube," in claim 8 allegedly lacks antecedent basis. In response, Applicant has amended claim 8. Withdrawal of this rejection is requested.

ABSTRACT

Applicant has amended the Abstract (as shown on the attached sheets) taking into account the suggestions and comments made by the Examiner.

PRIOR ART REJECTIONS

Rejection under 35 U.S.C. § 103(a)

The Examiner rejects claims 1, 6, 9, 18 and 19 as being unpatentable over Sato et al. (U.S. Patent No. 5,248,885, hereinafter "Sato") in view of Lowe (EP 0302716 A1, hereinafter "Lowe") under 35 U.S.C. §103(a). Applicant respectfully traverses this rejection.

Upon recognition that Sato fails to teach or suggest all of the features of the detector of claim 1, the Examiner relies upon Lowe to allegedly teach "**a means for holding a pressure-contact apparatus, including a heating element**." In particular, the Examiner relies upon electrical resistor 23 of Lowe to allegedly teach the "heating element," and the silver-loaded epoxy cement of Lowe to allegedly teach the "means for holding," of claim 1.

To the contrary, however, the silver-loaded epoxy cement of Lowe holds **only** the heating element (i.e., electrical resistor 23) to mounting block 20, and does **not** hold any "pressure-contact apparatus," as in claim 1. That is, at most, the silver-loaded epoxy cement is arguably a means for holding the electrical resistor 23, but not a "means for holding the **pressure-contact apparatus, including a heating element**," of claim 1.

Consequently, even assuming *arguendo* that Lowe could be combined with Sato (which Applicant does not admit), the alleged combination still fails to teach all of the limitations set forth in claim 1. Thus, claim 1 is in condition for allowance.

Claims 6, 9, 18 and 19 are also allowable at least by virtue of their dependency upon claim 1.

Rejection under 35 U.S.C. § 103(a)

The Examiner further rejects claims 2, 3, 4, 15 and 21-23 as being unpatentable over Sato in view of Lowe and further in view of Vidmar et al. (U.S. Patent No. 4,845,731, hereinafter "Vidmar").

The Examiner recognizes that the alleged combination of Sato and Lowe fails to teach the features set forth in claims 2, 3, 4 or 15. The Examiner relies upon Vidmar to allegedly teach these features. Vidmar, however, fails to make up for the deficiencies of Sato and Lowe noted above with respect to claim 1. Consequently, even assuming *arguendo* that Vidmar could be combined with Sato and/or Lowe (which Applicant does not admit), the alleged combination would still fail to teach all features of claim 1. For at least this reason, claims 2, 3, 4 and 15 are in condition for allowance.

The Examiner recognizes that Sato fails to teach or suggest all of the features of the detector of claim 21. The Examiner relies upon Lowe and Vidmar to make up for these deficiencies of Sato. In particular, the Examiner relies upon electrical resistor 23 of Lowe to allegedly teach the "heating element," and relies upon the brackets 162 of Vidmar to alleged teach the "at least one bracket, adapted to hold a pressure-contact apparatus," of claim 21.

Applicant disagrees. Neither Lowe nor Vidmar, either alone or in combination, teach or suggest "**at least one bracket, adapted to hold a pressure-contact apparatus, including a heating element**," as set forth in claim 21. On the one hand, the silver-loaded epoxy cement of Lowe holds **only** the electrical resistor 23 (i.e., the heating element) to a mounting block 20, and does **not** hold any "pressure-contact apparatus," as in claim 21. On the other hand, while the brackets 162 of Vidmar arguably hold silicon pressure members 160, the pressure members 160 of Vidmar do **not** include a "heating element," and thus, the brackets 162 are not adapted to hold a "**pressure-contact apparatus, including a heating element**," as required by claim 21.

Consequently, even assuming *arguendo* that Vidmar could be combined with Sato and/or Lowe (which Applicant does not admit), the alleged combination would still fail to teach a detector including "**at least one bracket, adapted to hold holding a pressure-contact apparatus, including a heating element**," as set forth in claim 21. For at least these reasons, claim 21 is in condition for allowance.

Claims 22 and 23 are in condition for allowance at least by virtue of the dependency from claim 21.

Rejection under 35 U.S.C. § 103(a)

Still further, the Examiner rejects claim 12 as being unpatentable in view of Sato in view of Lowe and further in view of Takahashi et al. (U.S. Patent No. 5,103,092, hereinafter referred to as "Takahashi").

As discussed above, the alleged combination of Sato and Lowe fails to teach all of the features of claim 1. The Examiner correctly recognizes that the alleged combination of Sato and Lowe fails to teach any or all additional features set forth in claim 12. The Examiner relies upon Takahashi to allegedly teach these features. Takahashi, however, also fails to teach at least, "**a means for holding a pressure-contact apparatus, including a heating element**," as set forth in claim 1. Consequently, even assuming *arguendo* that Takahashi could be combined with Sato and/or Lowe (which Applicant does not admit), the alleged combination would still fail to teach all features of claim 1.

For at least these reasons, claim 12 is in condition for allowance.

**COMMENTS ON THE EXAMINER'S STATEMENT OF REASONS FOR
ALLOWANCE**

The Examiner offers reasons why claims 5, 7, 8, 10, 11, 13, 14, 16, 17, 20 and 25-27 are allowable over the prior art of record. Although Applicant agrees that the various claimed limitations mentioned in claims 5, 7, 8, 10, 11, 13, 14, 16, 17, 20 and 25-27 are not taught or suggested by the prior art taken either singly or in combination, Applicant wishes to emphasize that it is the language of each claim, including the interrelationships and interconnections between various claimed elements which is allowable over the prior art of record, and not the Examiner's paraphrasing or explanation of claim features which may or may not be present in any of claims 5, 7, 8, 10, 11, 13, 14, 16, 17, 20 and 25-27.

CONCLUSION

In view of above remarks, reconsideration of the outstanding rejections and allowance of the pending claims are respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Andrew M. Waxman, Reg. No. 56,007, at the number of the undersigned listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY & PIERCE, PLC

By Ray Hylle Reg # 41,060
for Donald J. Daley
Reg. No. 34,313

DJD/AMW:jcp

P.O. Box 8910
Reston, VA 20195
(703) 668-8000